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09/725,034	11/29/2000	Naoyuki Matsumoto	35.C14952	8951

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SAIN, GAUTAM

ART UNIT PAPER NUMBER

2176

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,034

Applicant(s)

MATSUMOTO, NAOYUKI

Examiner

Gautam Sain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1-1) Claims 1, 3, 11, 13, 21, 23, 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneck et al (US 6314409 B2, filed Oct 26, 1998).

Regarding claims 1,11,21,31, Schneck teaches “document control apparatus” (ie., display, printer, controlled display, controlled printer, ID , processing unit)(fig 8, items 155,157,180,178,165...). Schneck teaches “... for accumulating and controlling electronic documents ...” (ie., hard disk, volatile memory, processing unit, I/O, floppy disk)(fig 8, items 162,158,154,165,161).

Schneck teaches “period controlling means ... registering a document” (ie., short time window ... in the rules ... file .. access ... memory ... certain time period)(col 27, lines 25-34)(ie., set up rules prior to any data access)(col 18, line 64 – col 19, line 10).

Schneck teaches “access prohibiting ... has expired” (ie., control of expiration dates,... of a file of data ...)(col 31, lines 1-10; col 7, lines 15-20)(ie., unavailable outside the access....)(co l8, lines 20-27).

Schneck teaches “period updating means... of an electronic document” (ie., “latest data” – teaches that the data is updated at some time period)(col 25, lines 15-50)(ie., updating rules for files)(col 19, lines 20-24).

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Regarding claim 3,13,23,33, Schneck teaches "period controlling means ... together with ... document" (ie., a package of digital data comprising protected portions of digital data and rules concerning access rights to the digital data... data represents text)(col 7, lines 42-50)(ie., rules can include expiration dates, times ... allowed to access certain data)(col 31, lines 1-9). Specifically, a package can be an electronic document as support by the reference.

Claim Rejections - 35 USC § 103

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2-1) Claims 2, 4, 5, 9, 10, 12, 14, 15, 19, 20, 22, 24, 25, 29, 30, 32, 34, 35, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck (as cited above), in view of Lambert et al (US 6038601, filed July 21, 1997).

Regarding claims 2, 12, 22, 32, Schneck does not expressly teach, but Lambert teaches "documents registering ... document" (ie., TOC (table of contents)is an HTML page)(col 7, line 67- col 8, lines 5)(ie., administrators seeking to create new TOC's, delete TOCs, or modify existing TOC)(col 9, line 7-13).

Schneck does not expressly teach, but Lambert teaches "document searching ... document" (ie., search ... scanning the file system...)(col 9, lines 15-57).

Schneck teaches "document transferring means... apparatus"(ie., display ... devices ... plaintext from I/O controller ... user access to the components ... access mechanism)(col 15, lines 30-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck to include functionalities for an administrator to create, delete or modify pages/documents and providing a means for searching the file system as taught by Lambert, providing the benefit of controlling access to and use and distribution of data (Schneck, col 6, lines 62-65) and originator controlled data dissemination (Schneck, col 3, lines 66) and system of distributing data (intellectual property) that restricts re-distribution of the data and provides controlled access to the data (Schneck,col 57-60), providing the benefit of method and apparatus for storing and delivering documents on the internet (Lambert Abstract), an active server to manage passive and active data throughout the network and offer an improved method and apparatus and delivering information on the Internet (Lambert, col 2, lines 10-21).

Regarding claim 4, 14,24,34, Schneck does not expressly teach, but Lambert teaches "control information ... access authority holder" (ie., administrator)(col 9, lines 15-20)(ie., an eight hour period).

Schneck does not expressly teach, but Lambert teaches "attached ... summary information" (ie., user behavior .. statistically valid surf sample ... sum of all child page scores on a parent page ...)(col 17, lines 50-60).

Schneck does not fully teach, but Lambert teaches more specifically, "a body ... from outside" (ie., creating a table of content (TOC) ... scanning the file system ... search ... scanning the file system files/directories ...)(col 9, lines 43-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck to include functionalities for an administrator, usage statistics and means for searching the file system as taught by Lambert, providing the benefit of controlling access to and use and distribution of data (Schneck, col 6, lines 62-65) and originator controlled data dissemination (Schneck, col 3, lines 66) and system of distributing data (intellectual property) that restricts re-distribution of the data and provides controlled access to the data (Schneck, col 57-60), providing the benefit of method and apparatus for storing and delivering documents on the internet (Lambert Abstract), an active server to manage passive and active data throughout the network and offer an improved method and apparatus and delivering information on the Internet (Lambert, col 2, lines 10-21).

Regarding claims 5, 15, 25, 35, Schneck does not expressly teach, but Lambert teaches "... link information ... location ...accumulate ... physically different ... region" (ie., HTML pages for links... following links recursively ... via database ... pages in the TOC)(col 9, lines 43-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck to include HTML pages with links through a system via databases to get to pages listed in the TOC in the file system as taught by Lambert, providing the benefit of controlling access to and use and distribution of data (Schneck,

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col 6, lines 62-65) and originator controlled data dissemination (Schneck, col 3, lines 66) and system of distributing data (intellectual property) that restricts re-distribution of the data and provides controlled access to the data (Schneck, col 57-60), providing the benefit of method and apparatus for storing and delivering documents on the internet (Lambert Abstract), an active server to manage passive and active data throughout the network and offer an improved method and apparatus and delivering information on the Internet (Lambert, col 2, lines 10-21).

Regarding claims 9, 19, 29, 39, Schneck does not fully and expressly teach, but Lambert teaches "document ... document data" (ie., TOC ... set of objects which are to be retrieved in bulk by caching server for later off-line viewing)(col 10, lines 60-65)(ie., pages in data base)(col 9, lines 45-53).

Schneck does not fully and expressly teach, but Lambert teaches "user ... registered user" (ie., many users)(col 6, lines 45-52)(ie., subscriber information ...)(col 28, lines 1-10).

Schneck does not fully and expressly teach, but Lambert teaches "charge ... information" (ie., databasesubscription ... payment)(col 28, lines 1-10).

Schneck does not fully and expressly teach "history ... access histories" (ie., algorithm .. behavior of each piece of content ... every time content is accessed ... last modification date is recorded... accessed ... access time ...)(col 32, lines 55-63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck to include HTML page database and caching, subscriber information, database with subscription payment information with behavior patterns of

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access times as taught by Lambert, providing the benefit of controlling access to and use and distribution of data (Schneck, col 6, lines 62-65) and originator controlled data dissemination (Schneck, col 3, lines 66) and system of distributing data (intellectual property) that restricts re-distribution of the data and provides controlled access to the data (Schneck, col 57-60), providing the benefit of method and apparatus for storing and delivering documents on the internet (Lambert Abstract), an active server to manage passive and active data throughout the network and offer an improved method and apparatus and delivering information on the Internet (Lambert, col 2, lines 10-21).

Regarding claim 10, 20, 30, 40, Schneck does not fully and expressly teach, but Lambert specifically teaches "updating or deleting ... access authority information set in advance" (ie., back end server uses access control information to restrict particular administration functions to various groups of people; administrators seeking to create new; restrict deletion to the appropriate administration)(col 9, lines 10-25; col 10, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck to include restricting TOC access to particular administrators as taught by Lambert, providing the benefit of controlling access to and use and distribution of data (Schneck, col 6, lines 62-65) and originator controlled data dissemination (Schneck, col 3, lines 66) and system of distributing data (intellectual property) that restricts re-distribution of the data and provides controlled access to the data (Schneck, col 57-60), providing the benefit of method and apparatus for storing and delivering documents on the internet (Lambert Abstract), an active server to manage

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passive and active data throughout the network and offer an improved method and apparatus and delivering information on the Internet (Lambert, col 2, lines 10-21).

2-2) Claims 8,18,28,38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck (as cited above), in view of Lambert (as cited above), further in view of Ginter et al (US 5917912, issued Jun 1999, filed Jan 1997).

Regarding claims 8,18,28,38, Schneck does not expressly teach, but Lambert teaches “notifies an outside accessing party” (ie., method of providing notification to clients from server)(Lambert, col 2, lines 37-44).

Schneck, in view of Lambert, does not expressly teach, but Ginter teaches “... storing period information ... remaining period ... document” (ie., pop-up dialogs used to notify users about significant conditions and events ... inform the user about expirations or other dates/times events)(Ginter, col 238, line 65 – col 239, line 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck to include a client notification method as taught by Lambert, providing the benefit of controlling access to and use and distribution of data (Schneck, col 6, lines 62-65) and originator controlled data dissemination (Schneck, col 3, lines 66) and system of distributing data (intellectual property) that restricts re-distribution of the data and provides controlled access to the data (Schneck,col 57-60), providing the benefit of method and apparatus for storing and delivering documents on the internet (Lambert Abstract), an active server to manage passive and active data throughout the network and offer an improved method and apparatus and delivering information on the Internet (Lambert, col 2, lines 10-21), further to include a pop-up

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notification to users of expirations and other dates/times as taught by Ginter, providing the benefit of managing and/or metering and/or limiting and/or monitoring use of electronically stored and/or disseminated information (Ginter, col 1, lines 25-31) and protecting a collection of rights to ensure the moving, accessing, modifying using of information can be controlled by the rules regarding how, when, where and by whom (col 6, lines 17-30).

2-3) Claims 6,16,26,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck (as cited above), in view of Ginter (as cited above).

Regarding claims 6,16,26,36, Schneck does not expressly teach, but Ginter teaches "charging means ... predetermined charge" (ie., trial subscription period ... no longer will work, the user would need to purchase to access editions other than the ones from that week... different pricing structure ... rate)(col 207, lines 37-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck to include a rate to charge a purchaser once their trial period is over for accessing a trial as taught by Ginter, providing the benefit of managing and/or metering and/or limiting and/or monitoring use of electronically stored and/or disseminated information (Ginter, col 1, lines 25-31) and protecting a collection of rights to ensure the moving, accessing, modifying using of information can be controlled by the rules regarding how, when, where and by whom (col 6, lines 17-30).

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2-4) Claims 7, 17, 27, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck (as cited above), in view of Ginter (as cited above and applied for claim 6,16,26,36, respectively), further in view of Lambert (as cited above).

Regarding claims 7, 17, 27, 37, Schneck does not expressly teach, but Lambert teaches "store an ... accessed from outside ... fixed volume" (ie., how often it is accessed .. ordered by score .. last accessed ... time it arrived ... frequency of access ... normalizes ... size)(col 34, line 60 – col 35, line 12)(ie., frequency component)(col 36, lines 22-67).

Schneck does not teach, but Ginter teaches "charge system different from a regular charge" (ie., flexibility to wide variety of billing ... upgrade pricing, pricing discounts ... uage history ... licensing or purchase discounts ...)(col 24, lines 10-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck to include flexible charge system offering discounts as taught by Ginter, providing the benefit of managing and/or metering and/or limiting and/or monitoring use of electronically stored and/or disseminated information (Ginter, col 1, lines 25-31) and protecting a collection of rights to ensure the moving, accessing, modifying using of information can be controlled by the rules regarding how, when, where and by whom (col 6, lines 17-30), further to include frequency of access component as taught by Lambert, providing the benefit of controlling access to and use and distribution of data (Schneck, col 6, lines 62-65) and originator controlled data dissemination (Schneck, col 3, lines 66) and system of distributing data (intellectual

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property) that restricts re-distribution of the data and provides controlled access to the data (Schneck,col 57-60), providing the benefit of method and apparatus for storing and delivering documents on the internet (Lambert Abstract), an active server to manage passive and active data throughout the network and offer an improved method and apparatus and delivering information on the Internet (Lambert, col 2, lines 10-21),

Other Cases

- A. 1. Saito et al (US 6599324 B2, filed Mar 1998).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



G.S.



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER